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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION**

ROSCOE EVANS, an individual on behalf of
himself and all others similarly situated,

Plaintiff,

v.

BRIGHAM YOUNG UNIVERSITY, a Utah
corporation,

Defendant.

**PLAINTIFF'S EX PARTE MOTION FOR
LEAVE TO FILE OVERLENGTH
REPLY MEMORANDUM IN SUPPORT
OF PLAINTIFF'S CLASS
CERTIFICATION MOTION AND
MEMORANDUM**

Case No. 1:20-cv-00100-TS-CMR

Judge Ted Stewart

Magistrate Judge Cecilia M. Romero

Plaintiff, through his attorneys of record, and pursuant to DUCivR 7-1 (e), hereby moves the Court for an order granting Plaintiff leave to file a Reply Memorandum in support of his Class Certification Motion and Memorandum ("Reply Brief") exceeding the page limitation set forth for replies in DUCivR 7-1(b)(2)(C). Plaintiff requests that the ten-page (10) limit therein set

forth be extended up to twenty (20) pages.

Plaintiff requires an extension of the page limitation due to the complexity and significance of class certification motions and establishing the various elements require by Rule 23 of the Federal Rules of Civil Procedure, generally, and the sheer breadth of averments and arguments made in Defendant's 62-page (by similar leave of Court) Opposition to Plaintiff's Class Certification Motion an Memorandum, its, *inter alia*, numerous exhibits and proposed expert opinion (including its own expansive universe of supporting documents), and information gleaned from a recent deponent.

Lastly, Counsel for Defendant indicated that they agree to the requested relief.

For the foregoing reason, Plaintiff submits that good cause and exceptional circumstances exist for the filing of an overlength Reply Brief. Plaintiff therefore respectfully requests that the Court enter the proposed order granting leave to file an overlength brief.

Respectfully submitted this 8th day of November, 2021.

/s/ Edward W. Ciolko
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